

Message Text

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ACTION DLOS-06

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TAGS: PLOS

SUBJECT: LOS: INDIAN LOWER HOUSE PASSES MARITIME BOUNDARIES
LEGISLATION

REF: NEW DELHI 11755

1. INDIAN LOWER HOUSE (LOK SABHA) AUG 17 DEBATED AND PASSED
LEGISLATION ON MARITIME BOUNDARIES PREVIOUSLY PASSED BY UPPER
HOUSE (REFTEL). LEGISLATION BECOME LAW AS SOON AS IT IS
SIGNED BY PRESIDENT, WHICH IN THIS CASE IS MERE FORMALITY.
IMPLEMENTATION OF LEGISLATION, HOWEVER, AWAITS ISSUANCE OF
IMPLEMENTING ORDINANCE, AND LAWMIN GOKHALE TOLD THE HOUSE
THIS WOULD HAVE TO AWAIT COMPLETION OF LOS NEGOTIATIONS.

2. ON ECONOMIC ZONE, GOKHALE SAID THAT INDIA DID NOT HAVE
"COMPLETE SOVEREIGNTY" WITHIN THE ZONE, BUT WOULD HAVE SPECIAL
RIGHTS VOER "DESIGNATED AREAS." "IF AREAS ARE ALLOWED TO BE
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DESIGNATED....WE WOULD HAVE TO PROTECT OUR RIGHTS IN RESPECT

TO OUR INSTALLATIONS. FOR EXAMPLE, TAKE THE BOMBAY HIGH, WHERE WE HAVE GOT OIL WELLS WHICH ARE DUG IN MANY PLACES. THEY ARE WELL WITHIN THE ECONOMIC ZONE AND CERTAINLY WITHIN THE CONTINENTAL SHELF. IF THE AREAS ARE DESIGNATED....THE NAVIGATION OF CERTAIN SHIPS THROUGH THESE AREAS WILL BE REGULATED, OR SOMETIMES PROHIBITED, SO THAT OUR SECURITY INSTALLATIONS ARE SAFE OR WHAT WE ARE DOING, OR WHAT WE ARE NOT DOING THERE IS NOT KNOWN TO OUTSIDE FORCES. SO, THE RIGHT OF NAVIGATION WILL BE WITH US." IN RESPONSE TO A QUESTION AS TO WHETHER "DEFENSE INSTALLATIONS" COULD BE PLACED IN THE ECONOMIC ZONE, GOKHALE SAID THAT THE INDIAN LEGISLATION DOES "NOT ANYWHERE TALK OF ANY DEFENSE INSTALLATIONS...BUT IF CERTAIN AREAS ARE DESIGNATED, IN RESPECT OF THOSE DESIGNATED AREAS CERTAIN REGULATIONS OR RESTRICTIONS CAN BE PUT ON NAVIGATION, SO THAT OUR INSTALLATIONS, OR WHATEVER WE HAVE THERE IN RESPECT OF EXPLORATION OR EXPLOITATION CAN BE PROTECTED FROM OUTSIDE VIEW, OR FROM DESTRUCTION OR SUCH OTHER THINGS."

3. ON "HIGH SEAS" CHARACTER OF ECONOMIC ZONE, GOKHALE SAID THAT US HAD ATTEMPTED AT LAST LOS SESSION TO INTRODUCE PRINCIPLE THAT ECONOMIC ZONES REMAINED HIGH SEAS EXCEPT FOR PURPOSES SPECIFIED IN TREATY. "IT WAS A CONTRADICTION IN TERMS AND WE HAVE RESISTED IT AND ULTIMATELY IT HAS NOT GONE THROUGH," GOKHALE SAID.

4. GOKHALE REFERRED AT SOME LENGTH TO US FISHERIES LEGISLATION ESTABLISHING 200-MILE ZONE AND TO SECRETARY'S SPEECH ON LOS. HE NOTED SECRETARY APPEALED FOR SENSE OF URGENCY IN COMPLETING LOS NEGOTIATIONS AND THAT "SOMETHING LIKE A PUSH" MIGHT BE NECESSARY TO ACHIEVE RESULTS. IN EMPHASIZING THAT INDIAN LEGISLATION DID NOT ENTAIL UNILATERAL ACTION, HE STATED: "(THIS) IS NOT PERHAPS THAT CLEAR IN RESPECT OF THE AMERICAN LEGISLATION BECAUSE THERE IS A SORT OF ULTIMATUM IN THAT.... (AFTER MARCH 1977) THEY WILL GO AHEAD WITH THE EXPLOITATION OF THE RESOURCES OF 200 MILES, WHATEVER THE INTERNATIONAL CONFERENCE ON LOS MAY OR MAY NOT DECIDE."

5. ON SEABED AUTHORITY, GOKHALE SAID THAT THE INTERESTS OF THE "BIG POWERS HAVE CONVERGED ON THIS. THE POINT IS REALLY THE QUESTION OF THE HAVES AND THE HAVE-NOTS...CUTTING ACROSS LIMITED OFFICIAL USE

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EVEN IDEOLOGICAL LINES." GOKHALE OBSERVED THAT "A DELEGATION OF THE AMERICANS....AS WELL AS THE SOVIET DELEGATION CAME HERE AND WE HAVE HAD LONG DISCUSSIONS WITH REGARD TO THESE POINTS OF VIEW. SO FAR WE HAVE ONLY PARTED WHERE WE WERE; BUT WE HAVE NOT GIVEN UP HOPES. WE THINK THAT WITH SUFFICIENT PRESSURES BEING BROUGHT BY DEVELOPING COUNTRIES, SOME REASONABLE WAY OUT WOULD BE FOUND WHEREBY THOSE WHO ARE IN A POSITION TO EXPLOIT THESE RESOURCES WILL NOT DO IT TO THE DISADVANTAGE

OF DEVELOPING COUNTRIES." GOKHALE, IN REVIEWING INDIA'S POSITION ON SEABEDS, SAID: "IN FACT, THE RESOURCES OF THE INTERNATIONAL SEABED AUTHORITY ALSO...WILL COME FROM THE COUNTRIES WHICH HAVE GOT THE RESOURCES AND THE MONEY, AND WHEN THEY DO NOT HAVE THE INCENTIVE TO BUILD UP THE AUTHORITY AND HAVE GOT A RIGHT TO GO ON THEIR OWN EXPLORING THESE AREAS, THE AUTHORITY WILL BE A MERE DREAM."

6. ON SCIENTIFIC RESEARCH, GOKHALE SAID THAT "RECENTLY WHEN THE AMERICANS CAME HERE THEY WERE SAYING THAT IN RESPECT OF FUNDAMENTAL RESEARCH THEY SHOULD HAVE THE POWER TO CARRY ON RESEARCH NOT ONLY IN ECONOMIC ZONE BUT IN TERRITORIAL WATERS. THESE ARE MATTERS WHICH ARE PENDING DISCUSSION AND SOLUTION AT THE INTERNATIONAL LEVEL, IN THE INTERNATIONAL SEA CONFERENCE."

7. ON THE ANDAMAN/NICOBAR ARCHIPELAGO, GOKHALE REVIEWED THE INDIAN ARGUMENT AT SOME LENGTH AND CONCLUDED, "EVEN THOUGH THEY ARE NOT RECOGNIZED AS ARCHIPELAGOES, THE 200-MILE LIMIT IS GOING TO APPLY EVEN ON THE BASIS OF THEIR BEING MERE ISLANDS. BUT THE POINT IS THAT THERE ARE VARIOUS OTHER ISSUES WHICH ARISE WHEN THEY ARE REGARDED AS ARCHIPELAGOES, THE QUESTION OF INTERNAL WATERS AND SO ON. THEREFORE WE ARE NOT SATISFIED WITH A STATUS WHICH IS LESS THAN AN ARCHIPELAGIC STATUS FOR THESE ISLANDS WHICH ARE PART OF THE TERRITORY OF INDIA."

8 COMMENT: EMBASSY WOULD APPRECIATE KNOWING WHETHER SECRETARY IN FACT MET WITH INDIAN DELEGATION ACTING HEAD JAGOTA AND WHETHER THERE IS ANY REPORT AVAILABLE ON THE MEETING.
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